

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GENERAL ELECTRIC COMPANY,

Plaintiff,

v.

LPP COMBUSTION, LLC,

Defendant.

C.A. No. 1:22-cv-00720-GBW

**LPP COMBUSTION, LLC’S MOTION TO STRIKE GENERAL ELECTRIC
COMPANY’S ARGUMENTS REGARDING THE CLAIM TERM
“ACCEPTABLE RANGE”**

LPP Combustion, LLC (“LPP Combustion”), hereby moves the Court to strike portions of General Electric Company’s (“GE”) Sur-Reply Claim Construction Brief that is supported by testimony of GE’s expert, Dr. Lemieux, that was relied on for the first time in the Sur-Reply. The grounds for this motion are set forth in LPP Combustion’s Opening Letter Brief filed herewith in accordance with the Court’s procedures.

Accordingly, for the reasons set forth in LPP Combustion’s Opening Letter Brief, LPP Combustion respectfully requests that the Court grant its motion to strike.

Dated: June 26, 2023

Respectfully submitted,

/s/ Kenneth L. Dorsney
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LPP COMBUSTION, LLC'S RULE 7.1.1 STATEMENT

Pursuant to Local Rule 7.1.1, I hereby certify that Delaware counsel for LPP Combustion LLC conferred telephonically with Delaware counsel for General Electric Company regarding the matters raised in LPP Combustion's Motion to Strike and the parties were unable to reach an agreement on the relief requested in the motion.

Dated: June 26, 2023

Respectfully submitted,

/s/ Kenneth L. Dorsney

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[PROPOSED] ORDER GRANTING LPP COMBUSTION, LLC’S MOTION TO STRIKE

Before the Court is LPP Combustion, LLC’S Motion to Strike General Electric’s reliance on argument raised for the first time in General Electric’s Sur-Reply Claim Construction Brief (D.I. 51 at 61–62). Upon consideration, the Court has determined that the motion should be GRANTED. Specifically, the Court strikes the following materials and will not consider them when ruling on the parties’ Joint Claim Construction Brief: Dr. Lemieux’s opinions regarding the term “Acceptable Range” relied on for the first time in the Sur-Reply Claim Construction Brief.

It is so ORDERED this ___ day of _____, 2023.

Hon. Gregory B. Williams
United States District Judge